IN THE CLAIMS

Please amend the claims as follows:

1. (Currently amended) A device comprising:

a network interface for coupling to a network; and

a processor coupled with the network interface, wherein the processor is adapted to:

receive first packets for asynchronous ~~retransmission~~ transmission to a network destination;

open a first switched virtual circuit that accommodates the network destination;

~~retransmit~~ transmit the first packets through the first switched virtual circuit;

receive second packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the first packets;

open a second switched virtual circuit concurrently with the first switched virtual circuit to accommodate the network destination; and

~~retransmit~~ transmit the second packets through both the first and the second switched virtual circuits at a same time[[.]];

maintain the first and second switched virtual circuits concurrently according to a comparison of an updated rate and a minimum threshold.

2. (Currently amended) The device of claim 1, wherein the processor is further adapted to:

receive third packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the second packets;

determine a ~~third~~ rate of receiving the third packets;

determine a ~~third~~ bandwidth associated with the third packets from the ~~third~~ rate of receiving the third packets; and

if the ~~third~~ bandwidth associated with the third packets is less than ~~a second~~ the minimum threshold, close one of the first and second switched virtual circuits, and then ~~retransmit~~ transmit the third packets through only the open one of the first and second switched virtual circuits.

3. (Currently amended) The device of claim 1, wherein the processor is further adapted to:

determine a ~~second~~ rate of receiving the second packets; and

determine a ~~second~~ bandwidth associated with the second packets from the ~~second~~ rate of receiving the second packets,

wherein the second switched virtual circuit is opened ~~only if~~ when the ~~second~~ bandwidth associated with the second packets exceeds a ~~first~~ threshold of the first switched virtual circuit.

4. (Currently amended) The device of claim 3, wherein

the first switched virtual circuit has ~~the first~~ a bandwidth associated with the first packets, and

the ~~first~~ threshold of the first switched virtual circuit is a preset fraction of the ~~first~~ bandwidth associated with the first packets.

5. (Currently amended) The device of claim 4, wherein the processor is further adapted to:

determine a ~~first~~ rate of receiving the first packets; and

determine the ~~first~~ bandwidth associated with the first packets from the ~~first~~ rate of receiving the first packets.

6. (Original) The device of claim 1, wherein

the first and second switched virtual circuits are administered by a lower network layer, and

the first and second switched virtual circuits behave as a single pipe from a viewpoint of an upper network layer which is on top of the lower network layer.

7. (Currently amended) A device comprising:

means for receiving first packets for asynchronous ~~retransmission~~ transmission to a network destination;

means for opening a first switched virtual circuit that accommodates the network destination;

means for ~~retransmitting~~ transmitting the first packets through the first switched virtual circuit;

means for receiving second packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the first packets;

means for determining whether a rate of receiving the second packets exceeds a maximum threshold;

means for opening a second switched virtual circuit to accommodate the network destination in response to a determination that the rate of receiving the second packets exceeds a maximum threshold; and

means for ~~retransmitting~~ concurrently transmitting the second packets through both the first and the second switched virtual circuits[[.]];

means for closing one of the first or second switched virtual circuits according to a comparison of an updated rate and a minimum threshold.

8. (Currently amended) The device of claim 7, further comprising:

means for receiving third packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the second packets;

means for determining a ~~third~~ rate of receiving the third packets;

means for determining a ~~third~~ bandwidth associated with the third packets from the ~~third~~ rate of receiving the third packets; and

if the ~~third~~ bandwidth associated with the third packets is less than ~~a second~~ the minimum threshold, means for closing one of the first and second switched virtual circuits, and then ~~retransmitting~~ transmitting the third packets through only the open one of the first and second switched virtual circuits.

9. (Currently amended) The device of claim 7, further comprising:

means for determining a ~~second~~ rate of receiving the second packets; and

means for determining a ~~second~~ bandwidth associated with the second packets from the ~~second~~ rate of receiving the second packets,

wherein the second switched virtual circuit is opened ~~only if~~ when the ~~second~~ bandwidth associated with the second packets exceeds a ~~first~~ threshold of the first virtual switched circuit.

10. (Currently amended) The device of claim 9, wherein

the first switched virtual circuit has a ~~first~~ bandwidth associated with the first packets, and

the ~~first~~ threshold of the first virtual switch circuit is a preset fraction of the ~~first~~ bandwidth associated with the first packets.

11. (Currently amended) The device of claim 10, further comprising:

determining a ~~first~~ rate of receiving the first packets; and

determining the ~~first~~ bandwidth associated with the first packets from the ~~first~~ rate of receiving the first packets.

12. (Original) The device of claim 7, wherein

the first and second switched virtual circuits are administered by a lower network layer, and

the first and second switched virtual circuits behave as a single pipe from a viewpoint of an upper network layer which is on top of the lower network layer.

13. (Currently amended) An article comprising: a storage medium, said storage medium having stored thereon instructions, that, when executed by at least one device, result in:

receiving first packets for asynchronous ~~retransmission~~ transmission to a network destination;

opening a first switched virtual circuit that accommodates the network destination;

~~retransmitting~~ transmitting the first packets through the first switched virtual circuit;

receiving second packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the first packets;

opening a second switched virtual circuit to accommodate the network destination; ~~and~~

~~retransmitting~~ transmitting the second packets through both the first and the second switched virtual circuits[[.]]; and

maintaining the first and second switched virtual circuits according to a comparison of an updated rate and a minimum threshold;

wherein the first and second virtual switched circuits remain open at a same time and a first portion of packets for a connection is transmitted through the first switched virtual circuit while a second portion of packets for the connection is transmitted through the second switched virtual circuit.

14. (Currently amended) The article of claim 13, wherein the instructions further result in:

receiving third packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the second packets;

determining a ~~third~~ rate of receiving the third packets;

determining a ~~third~~ bandwidth associated with the third packets from the ~~third~~ rate of receiving the third packets; and

if the ~~third~~ bandwidth associated with the third packets is less than ~~a second~~ the minimum threshold of the second switched virtual circuit, closing one of the first and second switched virtual circuits, and then ~~retransmitting~~ transmitting the third packets through only the open one of the first and second switched virtual circuits.

15. (Currently amended) The article of claim 13, wherein the instructions further result in:

determining a ~~second~~ rate of receiving the second packets; and

determining a ~~second~~ bandwidth associated with the second packets from the ~~second~~ rate of receiving the second packets,

wherein the second switched virtual circuit is opened ~~only if~~ when the ~~second~~ bandwidth associated with the second packets exceeds a ~~first~~ threshold of the first switched virtual circuit.

16. (Currently amended) The article of claim 15, wherein

the first switched virtual circuit has a ~~first~~ bandwidth associated with the first packets, and

the ~~first~~ threshold of the first switched virtual circuit is a preset fraction of the ~~first~~ bandwidth associated with the first packets.

17. (Currently amended) The article of claim 16, wherein the instructions further result in:

determining a ~~first~~ rate of receiving the first packets; and

determining the ~~first~~ bandwidth associated with the first packets from the ~~first~~ rate of receiving the first packets.

18. (Currently amended) A method comprising:

receiving first packets for asynchronous ~~retransmission~~ transmission to a network destination;

opening a first switched virtual circuit that accommodates the network destination;

~~retransmitting~~ transmitting the first packets through the first switched virtual circuit;

receiving second packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the first packets;

opening a second switched virtual circuit to accommodate the network destination; and

~~retransmitting~~ transmitting the second packets through both the first and the second switched virtual circuits.

closing either the first or second switched virtual circuits according to a comparison of an updated rate and a minimum threshold.

19. (Currently amended) The method of claim 18, further comprising:

receiving third packets for asynchronous ~~retransmission~~ transmission to the network destination after ~~retransmitting~~ transmitting the second packets;

determining a ~~third~~ rate of receiving the third packets;

determining a ~~third~~ bandwidth associated with the third packets from the ~~third~~ rate of receiving the third packets; and

if the ~~third~~ bandwidth associated with the third packets is less than ~~a second~~ the minimum threshold of the second virtual switched circuits, closing one of the first and second switched virtual circuits, and then ~~retransmitting~~ transmitting the third packets through only the open one of the first and second switched virtual circuits.

20. (Currently amended) The method of claim 18, further comprising:

determining a ~~second~~ rate of receiving the second packets; and

determining a ~~second~~ bandwidth associated with the second packets from the ~~second~~ rate of receiving the second packets,

wherein the second switched virtual circuit is opened ~~only if~~ when the ~~second~~ bandwidth associated with the second packets exceeds a ~~first~~ threshold of the first switched virtual circuit.

21. (Currently amended) The method of claim 20, wherein

the first switched virtual circuit has a ~~first~~ bandwidth associated with the first packets, and

the ~~first~~ threshold of the first switched virtual circuit is a preset fraction of the ~~first~~ bandwidth associated with the first packets.

22. (Currently amended) The method of claim 21, further comprising:

determining a ~~first~~ rate of receiving the first packets; and

determining the ~~first~~ bandwidth associated with the first packets from the ~~first~~ rate of receiving the first packets.

23. (New) The device of claim 1, wherein the processor is further adapted to maintain the first and second switched virtual circuits when the updated rate is not less than the minimum threshold.

24. (New) The device of claim 7, wherein one of the first or second switched virtual circuits are closed when the updated rate is less than the minimum threshold.

25. (New) The article of claim 13, wherein the connection is an asynchronous transfer mode (ATM) connection.

26. (New) The method of claim 18, wherein closing either the first or second switched virtual circuits according to a comparison further comprises closing either the first or second switched virtual circuits when the updated rate is less than the minimum threshold.